

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE  
LITIGATION

MDL No. 1456  
Master File No. 1:01-CV-12257-PBS  
Sub-Category Case No. 1:08-CV-11200

THIS DOCUMENT RELATES TO:  
*United States ex rel. Linnette Sun and Greg  
Hamilton, Relators*

Judge Patti B. Saris

v.  
*Baxter Hemoglobin Therapeutics and Baxter  
International Inc.*

**SEPTEMBER 2009 STATUS REPORT**

The undersigned counsel for Plaintiffs and Defendants hereby submit the attached  
Status Report for September 2009, in accordance with the Court's June 17, 2004 Procedural  
Order.

DATED this 1st day of September, 2009.

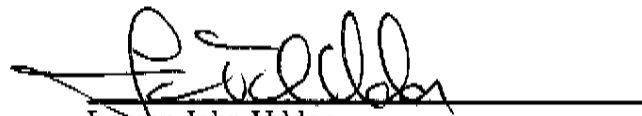


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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that I, Ruchi Jain, an attorney, caused a true and correct copy of the foregoing, SEPTEMBER 2009 STATUS REPORT, to be delivered to all counsel of record by electronic service via LexisNexis File & Serve, on September 1, 2009, for posting and notification to all parties.

/s/ Ruchi Jain

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**SEPTEMBER 2009 STATUS REPORT**

PRIVATE CLASS CASE	MDL DOCKET NUMBER	JURISDICTION	STATUS
United States ex rel. Linnette Sun and Greg Hamilton, Relators v. Baxter Hemoglobin Therapeutics and Baxter International Inc.	Master File No. 1:01-CV-12257-PBS  Sub-Category Case No. 1:08-CV-11200	D. Mass, pursuant to JPML order	<ul style="list-style-type: none"> <li>• Transferred to MDL 1456 by JPML on July 14, 2008</li> <li>• Court Order entered on July 15, 2008: consolidating <i>Sun</i> case with the lead case #01-12257</li> <li>• Court received MDL record from US District Court, District of Colorado on August 5, 2008</li> <li>• Status Conference on June 22, 2009</li> <li>• Court entered Case Management Order with respect to briefing schedule on June 23, 2009; otherwise, all discovery is stayed</li> <li>• Defendants filed Motion for Leave to File Excess Pages, Motion to Dismiss Relators' Complaint (and accompanying Memorandum, Declaration, Exhibits, and Proposed Order) on August 14, 2009</li> <li>• Relators filed Opposition to Defendants' Motion for Leave to File Excess Pages on August 20, 2009</li> <li>• Electronic order entered by the Court granting Defendants' Motion for Leave to File Excess Pages on August 21, 2009</li> <li>• Relators filed Motion to Lift Stay on Discovery (and accompanying Memorandum, Exhibits, and Proposed Order) on August 31, 2009</li> </ul>